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**CITY OF EL PASO, TEXAS
BUILDING & PLANNING SERVICES**

MEMORANDUM

TO: The Honorable Mayor & City Council
Jim Martinez, Interim City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

COPY TO: Lisa Elizondo, City Attorney
Terri Cullen-Garney, Deputy City Attorney
Kevin Elkins, Assistant City Attorney
Irene Ramirez, P.E., Interim City Engineer
Ted Marquez, P.E., Traffic Engineering Division Manager

FROM: Patricia D. Adaudo, Deputy CAO for Building & Planning Services *Adaudo*

SUBJECT: City Council Agenda Items for September 7, 2004 Agenda

DATE: September 2, 2004

The following items have been scheduled for City Council action as noted above.

That the Mayor be authorized to sign a CONDUIT UNDER TRACK AGREEMENT between the Texas Department of Transportation, the Burlington Northern and Santa Fe Railway Company and the City of El Paso, to allow for the installation of conduit with conductor cable under the existing underpass structure on Country Club Road and Doniphan Drive under the Burlington Northern and Santa Fe Railway Company's track.

This three-party agreement allows for the use of railroad property for the installation of conduit and conductor cable on Country Club Rd. and Doniphan Drive under the railroad underpass for the traffic light synchronization project. There are no costs associated with this agreement.

That the Mayor is hereby authorized to sign on behalf of the City, an Amendment to a Local Transportation Project Advance Funding Agreement for the reconstruction of Magofin Avenue from Campbell Street to Virginia Street to include the improvement of the pedestrian way including landscaping, ornamental lighting and sidewalk reconstruction for the San Antonio Transit Plaza Project in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

This amendment revises the total project budget to \$1,475,582.40, and the City match to \$295,116.48. The revision is a result of the final cost estimate for this project. The City of El Paso will be managing this project through design and construction. The City's match is budgeted through FY00 sale of certificates of obligation.

That the Mayor be authorized to sign a LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT for an STP Metropolitan Safety Project ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"). The scope of work for this agreement is described in layman's terms as installation of advance warning signs and signals on Hawkins Blvd. at Phoenix and Tony Lama and the installation of safety lighting on Lomaland at Yermoland. This will be a reimbursable Agreement as described in the Local Project Sources and Uses of Funds, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

This agreement is for the installation of advance warning signs and signals on Hawkins Blvd. at Phoenix and Tony Lma and the installation of safety lighting on Lomaland at Yermoland. The total project cost is \$84,700 with the City's match totaling \$8,470. These projects competed statewide for funding through the Hazard Elimination and Safety project call and were funded through the State's allocation of Metropolitan Safety funds. The City's match will be funded through FY98 issue of Certificates of Obligation.

Building & Planning Services recommends approval of these items. Should you have any questions regarding this item you may reach me or Teresa Quezada at 541-4853.

Office Use Only		
Mayor's Office (3 copies):	date: _____	time: _____ by: _____
Representative District 1:	date: _____	time: _____ by: _____
Representative District 2:	date: _____	time: _____ by: _____
Representative District 3:	date: _____	time: _____ by: _____
Representative District 4:	date: _____	time: _____ by: _____
Representative District 5:	date: _____	time: _____ by: _____
Representative District 6:	date: _____	time: _____ by: _____
Representative District 7:	date: _____	time: _____ by: _____
Representative District 8:	date: _____	time: _____ by: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign on behalf of the City, an Amendment to a Local Transportation Project Advance Funding Agreement for the reconstruction of Magoffin Avenue from Campbell Street to Virginia Street to include the improvement of the pedestrian way including landscaping, ornamental lighting and sidewalk reconstruction for the San Antonio Transit Plaza Project in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

PASSED AND APPROVED this 7th day of September, 2004.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Kevin D. Elkins
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto, Deputy CAO
for Building and Planning Services

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT # 1**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation hereinafter called the State, and the City of El Paso, Texas, acting by and through its duly authorized officials, hereinafter called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on September 17, 1999 to effectuate their agreement to reconstruct Magofin Avenue from Campbell Street to Virginia Street to include the improvement of the pedestrian way including landscaping, ornamental lighting and sidewalk reconstruction; and,

WHEREAS, it has become necessary to amend that contract:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Local Government do agree as follows:

AGREEMENT

Article 1. Description of Amended Items

It has become necessary to amend the original agreement to reflect the following changes:

1. Article 10. Funding
 - B. The estimated cost of the Project is \$1,475,582.40.
 - C. The State will be responsible for securing the federal share of the funding required for the development and construction of the Project, in an amount not to exceed eighty percent (80%) of the eligible costs. As provided herein, the City will be responsible for the non-federal participation costs associated with the development and construction of the Project. The City's share of costs for the Project is estimated to be \$295,116.48 as shown on Attachment A, attached hereto and made a part hereof for all purposes.
 - F. After execution of this amendment, the Local Government will remit a check or warrant made payable to the "Texas Department of Transportation" in the amount specified on Attachment A as the local contribution for the State's administrative, preliminary engineering review, and periodic construction inspection costs.
 - G. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.
2. The Exhibit A is revised as shown on the attached Exhibit A.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

ATTEST:

Joe Wardy, Mayor

Richarda Duffy Momsen, City Clerk

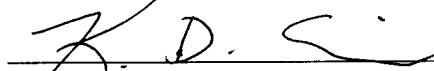
Date: _____

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Patricia D. Adauto
Deputy CAO, Building and Planning Services



Kevin D. Elkins
Assistant City Attorney

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Janice Mullenix
Director of Contract Services Section
Office of General Counsel
Texas Department of Transportation

Date: _____

EXHIBIT A
PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

0924-06-163

San Antonio Transit Plaza (Magofin Ave.) Cat. 7 @ 20% - Local

Description		Total Estimate Cost	Federal Participation	State Participation	Local Participation		
			80%	EDC Adjustment	Prior to EDC	EDC Adjustment	Actual Participation
Land (no cash contributions)		0.00	0.00	0.00	0.00	0.00	0.00
Utilities (no cash contributions)		0.00	0.00	0.00	0.00	0.00	0.00
Environmental (no cash contributions)		0.00	0.00	0.00	0.00	0.00	0.00
Roadway Items		1,229,652.00	983,721.60	0.00	245,930.40	0.00	245,930.40
Preliminary Engineering (10%)			0.00	0.00	0.00	0.00	0.00
SUBTOTAL		1,229,652.00	983,721.60	0.00	245,930.40	0.00	245,930.40
Engineering & Contingencies (E&C)		221,337.36	177,069.89	0.00	44,267.47	0.00	44,267.47
Administrative Costs		24,593.04	19,674.43		4,918.61		4,918.61
TOTAL		1,475,582.40	1,180,465.92	0.00	295,116.48	0.00	295,116.48
Local Entity Participation, TOTAL							295,116.48